

**ASSEMBLY BILL**

**No. 1245**

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**Introduced by Assembly Member Wolk**

February 22, 2005

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An act to add Chapter 7.8 (commencing with Section 12929.49) to Part 6 of Division 6 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1245, as introduced, Wolk. CALFED Bay-Delta Program.

Existing law, the California Bay-Delta Authority Act, establishes in the Resources Agency, the California Bay-Delta Authority until January 1, 2006, unless a certain determination is made. The act requires the authority and the implementing agencies to carry out programs, projects, and activities necessary to implement the Bay-Delta Program, defined to mean those actions that address the goals and objectives of the CALFED Bay-Delta Programmatic Record of Decision, dated August 28, 2000, or as it may be amended. The act requires the authority to review, approve, and make recommendation regarding certain annual program plans and project expenditures submitted by the implementing agencies based on prescribed criteria.

This bill would establish in the State Treasury the California Bay-Delta Environmental Water Account (EWA) and would require the Secretary of the Resources Agency to administer the EWA, in consultation with the Director of Water Resources and the Director of Fish and Game. The bill would authorize the moneys in the account to be expended, upon appropriation, to protect delta fishery resources and improve water supply reliability in connection with the operation of the State Water Project and the Central Valley Project. The bill would authorize the secretary to accept financial contributions on

behalf of the EWA and would authorize the secretary to accept contributions of water from any source to carry out the program.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) In August 2000, the state and the federal government  
4 jointly prepared a Record of Decision for the CALFED  
5 Bay-Delta Program (CALFED ROD) to improve conditions in  
6 the Sacramento-San Joaquin Delta. The goals of the CALFED  
7 ROD included improved water supply reliability, ecosystem  
8 restoration, water quality, and delta levee integrity.

9 (b) The CALFED ROD included a program for an  
10 environmental water account (EWA) to protect the delta's fishery  
11 resources and to improve water supply reliability for those who  
12 rely on water exports from the delta. The Department of Fish and  
13 Game and the federal government's fishery agencies (the United  
14 States Fish and Wildlife Service and the National Marine  
15 Fisheries Service) agreed to manage the water assets associated  
16 with the EWA, while the Department of Water Resources and the  
17 United States Bureau of Reclamation agreed to operate the State  
18 Water Project (SWP) and the Central Valley Project (CVP) in  
19 certain ways to protect fishery resources, subject to  
20 reimbursement of the SWP and CVP for losses arising out of  
21 those operations.

22 (c) These state and federal agencies have operated the EWA  
23 for four years, and have confirmed that the EWA's operations can  
24 reduce the risk of conflicts over the effects of SWP/CVP  
25 operations on the delta's fishery resources. Therefore, the time  
26 has arrived to establish the EWA as a permanent part of the  
27 state's programs to address the needs of the delta.

28 SEC. 2. Chapter 7.8 (commencing with Section 12929.49) is  
29 added to Part 6 of Division 6 of the Water Code, to read:

1           CHAPTER 7.8. CALIFORNIA BAY-DELTA  
2           ENVIRONMENTAL WATER ACCOUNT

3  
4       12929.49 There is established in the State Treasury the  
5 California Bay-Delta Environmental Water Account (EWA). The  
6 Secretary of the Resources Agency shall administer the EWA, in  
7 consultation with the Director of Water Resources and the  
8 Director of Fish and Game.

9       12929.50. The secretary may accept financial contributions  
10 to the EWA from the federal government or any other person or  
11 entity. The moneys in the EWA, upon appropriation by the  
12 Legislature, may be expended for the protection of fishery  
13 resources and the improvement of water supply reliability in  
14 connection with the operation of the State Water Project or the  
15 Central Valley Project.

16       12929.51. The secretary may accept contributions of water  
17 from any source to carry out the purposes of this chapter.

18       12929.52. Nothing in this chapter creates an entitlement,  
19 right, or interest in the state's water resources on the part of any  
20 state or federal contractor or water user relying on the State  
21 Water Project or Central Valley Project.